

SENATE BILL No. 201

March 7, 1989, Introduced by Senators SHINKLE, GEAKE, CARL, CROPSEY, POSTHUMUS, SCHWARZ and FAUST and referred to the Committee on Economic Development.

A bill to amend sections 1, 5, 10, 11, 12, 25, and 27 of chapter 171 of the Revised Statutes of 1846, entitled "Of county jails and the regulation thereof," section 5 as amended by Act No. 119 of the Public Acts of 1984 and section 10 as amended by Act No. 402 of the Public Acts of 1988, being sections 801.1, 801.5, 801.10, 801.11, 801.12, 801.25, and 801.27 of the Michigan Compiled Laws; and to add section 1a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 5, 10, 11, 12, 25, and 27 of chapter
2 171 of the Revised Statutes of 1846, section 5 as amended by Act
3 No. 119 of the Public Acts of 1984 and section 10 as amended by
4 Act No. 402 of the Public Acts of 1988, being sections 801.1,
5 801.5, 801.10, 801.11, 801.12, 801.25, and 801.27 of the Michigan

1 Compiled Laws, are amended and section 1a is added to read as
2 follows:

3 Sec. 1. (1) The ~~common~~ jails in the ~~several~~ counties of
4 this state ~~in charge of the respective sheriffs~~ shall be used
5 ~~as prisons~~ FOR THE FOLLOWING PURPOSES:

6 (A) First, ~~For~~ FOR the detention of persons charged with
7 offenses and duly committed for trial. ~~→~~

8 (B) Second, ~~For~~ FOR the confinement of persons committed
9 pursuant to a sentence upon conviction of an offense, and of all
10 other persons duly committed for any cause authorized by law. ~~→~~
11 ~~and the provisions of this~~

12 (2) THIS section ~~shall extend~~ APPLIES to persons detained
13 in or committed to ~~any such~~ A jail when duly authorized by or
14 under the authority of any court or officer of the United States,
15 as well as by the courts and magistrates of this state, ~~→~~
16 ~~Provided, however, That~~ EXCEPT THAT all persons detained or com-
17 mitted to ~~such jails~~ A JAIL by the authority of the courts of
18 the United States, or any officer of the United States, shall be
19 received in ~~said county jails~~ THE JAIL only in cases where the
20 cost of the care and maintenance of such persons ~~shall be~~ IS
21 paid by the United States, at actual cost, ~~thereof,~~ to be fixed
22 and determined by the ~~Michigan welfare commission upon applica-~~
23 ~~tion of the sheriffs of the respective counties of this state,~~
24 ~~and not otherwise~~ DEPARTMENT OF SOCIAL SERVICES.

25 (3) A JAIL MAY BE ESTABLISHED BY A COUNTY AND PLACED UNDER
26 THE JURISDICTION OF THE COUNTY SHERIFF, OR MAY BE OWNED AND
27 OPERATED BY A PRIVATE ENTITY UNDER A CONTRACT WITH THE COUNTY. A

1 JAIL THAT IS OWNED AND OPERATED BY A PRIVATE ENTITY IS SUBJECT TO
2 THE REQUIREMENTS OF THIS ACT TO THE SAME EXTENT AS A JAIL THAT IS
3 UNDER THE JURISDICTION OF THE SHERIFF.

4 SEC. 1A. AS USED IN THIS ACT:

5 (A) "JAIL", "COUNTY JAIL", "PRISON", OR "COUNTY PRISON"
6 MEANS A JAIL DESCRIBED IN SECTION 1.

7 (B) "KEEPER" OR "KEEPER OF THE JAIL" MEANS 1 OF THE
8 FOLLOWING:

9 (i) THE SHERIFF, IN THE CASE OF A JAIL THAT IS UNDER THE
10 JURISDICTION OF THE SHERIFF.

11 (ii) THE PERSON DESIGNATED BY CONTRACT AS BEING RESPONSIBLE
12 FOR THE OPERATION OF THE JAIL, IN THE CASE OF A JAIL OPERATED BY
13 A PRIVATE ENTITY PURSUANT TO THE ALTERNATIVE JAILS ACT.

14 Sec. 5. (1) The county board of commissioners may provide
15 by contract for all necessary supplies for the use of the jail,
16 including fuel and food, clothing, bedding, and medical
17 attendance, for prisoners committed on criminal charges.

18 (2) Private donations of clothing for prisoners awaiting
19 trial shall be accepted for them by the ~~sheriff~~ KEEPER OF THE
20 JAIL.

21 (3) The county board of commissioners may provide for reim-
22 bursement of the cost of supplies for medical attendance as pro-
23 vided under section 5a.

24 (4) The county board of commissioners or the county execu-
25 tive or designee of the county executive may provide that the
26 care and support of a prisoner be paid by the prisoner's estate
27 or property and may provide for reimbursement of all charges and

1 expenses of maintaining a prisoner pursuant to the prisoner
2 reimbursement to the county act, ACT NO. 118 OF THE PUBLIC ACTS
3 OF 1984, BEING SECTIONS 801.81 TO 801.93 OF THE MICHIGAN COMPILED
4 LAWS.

5 Sec. 10. (1) The county board of commissioners of any
6 county, by resolution passed at any regular or special session,
7 may order that prisoners over the age of 18 years under a sen-
8 tence of imprisonment in the county jail, capable of performing
9 manual labor, shall be required to work upon the public highways,
10 streets, alleys, public roads, or railroad crossings in the
11 county, or in any quarry, pit, or yard in the preparation or con-
12 struction of materials for such public highways, streets, alleys,
13 roads, or railroad crossings in the county, to perform work for
14 nonprofit charitable organizations including, but not limited to,
15 churches and synagogues, or to perform any other lawful labor for
16 the benefit of the county. Whenever any such resolution is
17 passed, the ~~sheriff~~ KEEPER OF THE JAIL shall cause the prison-
18 ers to be put at work in the manner provided in the resolution of
19 the county board of commissioners. The board of county road com-
20 missioners and the village or city authorities of any village or
21 city in the county or the authorities in charge of any county
22 institution may make application to have the prisoners work in
23 any township, city, village, or institution in ~~such~~ A manner as
24 ~~shall be~~ prescribed by the county board of commissioners, and
25 the county board of commissioners shall determine in what town-
26 ship, city, or village the prisoners shall work.

1 (2) ~~—A~~ EXCEPT AS PROVIDED IN SUBSECTION (5), A person,
2 including a public official or public employee, shall not sell,
3 hire, lease, loan, contract for, or otherwise use the labor of
4 prisoners for his or her own private benefit or financial gain.
5 A person who violates this subsection is responsible for a civil
6 infraction, and shall be subject to a fine of not more than
7 \$500.00 plus the value of the private benefit or financial gain.

8 (3) Except as provided in ~~subsection (4)~~ SUBSECTIONS (4)
9 AND (5), a sheriff shall not derive any private benefit or finan-
10 cial gain from the provision of food to prisoners in ~~the~~ A jail
11 UNDER THE JURISDICTION OF THE SHERIFF, whether by retaining the
12 difference between money budgeted for food and money expended for
13 food, or by any other method. This subsection does not prevent a
14 sheriff from receiving a salary for duties that include supervis-
15 ing the operation of the jail. A sheriff who violates this sub-
16 section is responsible for a civil infraction, and shall be
17 subject to a fine of not more than \$500.00 plus the value of the
18 private benefit or financial gain.

19 (4) A county which, as of ~~the effective date of the 1988~~
20 ~~amendatory act that added this subsection~~ DECEMBER 27, 1988,
21 allows a sheriff to receive private benefit or financial gain
22 from the provision of food to prisoners in the jail may allow
23 that practice to continue until not later than December 31, 1992,
24 if both of the following conditions are met:

25 (a) Not later than April 1, 1989, the county board of com-
26 missioners conducts a public hearing on the question of whether
27 the sheriff should derive private benefit or financial gain from

1 the provision of food to prisoners. The public hearing may be
2 held immediately prior to or immediately following a regularly
3 scheduled meeting of the county board of commissioners.

4 (b) Within 10 days after the public hearing, the county
5 board of commissioners approves by majority vote a resolution to
6 continue the practice until a date that is not later than
7 December 31, 1992.

8 (5) SUBSECTIONS (2) TO (4) DO NOT PREVENT THE OPERATION, FOR
9 PROFIT, OF A JAIL OPERATED BY A PRIVATE ENTITY UNDER THE ALTERNA-
10 TIVE JAILS ACT, ACCORDING TO A CONTRACT EXECUTED BETWEEN THE
11 KEEPER OF THE JAIL AND THE COUNTY.

12 Sec. 11. All work performed by ~~any such~~ prisoners AS PRE-
13 SCRIBED IN SECTION 10 shall be performed under the direction of
14 the ~~highway commissioner of the township or the~~ authorities of
15 the TOWNSHIP, city, village, or institution where the work is
16 done. All ~~such~~ prisoners while engaged in ~~such~~ THE work
17 shall be under the control and custody of the ~~sheriff~~ KEEPER OF
18 THE JAIL. All tools necessary for use by ~~such~~ THE prisoners
19 and all materials upon which work is to be performed shall be
20 furnished by the township, city, village, or institution in which
21 the work is done. The ~~sheriff~~ KEEPER shall take such precau-
22 tionary measures as ~~may be deemed~~ THE KEEPER CONSIDERS neces-
23 sary to prevent the escape of prisoners employed. ~~under the~~
24 ~~provisions of this act, and in~~ IN case any prisoner employed
25 ~~shall escape~~ ESCAPES, it shall be ~~deemed~~ CONSIDERED to be an
26 escape from the jail. ~~Provided, That~~ HOWEVER, no additional
27 deputy sheriff shall be appointed to guard ~~such~~ THE prisoners

1 while ~~so~~ at work without the previous authorization of the
 2 COUNTY board of ~~supervisors~~ COMMISSIONERS. The COUNTY board of
 3 ~~supervisors is hereby vested with authority to~~ COMMISSIONERS
 4 MAY reimburse the ~~sheriff~~ KEEPER for any expenses incurred in
 5 conveying ~~such~~ THE prisoners to and from any ~~such~~ road,
 6 street, alley, highway, quarry, pit, yard, or institution or
 7 EXPENSES INCURRED in properly guarding them while beyond the con-
 8 fines of the county jail, ~~:- Provided, That~~ EXCEPT THAT all
 9 meals and food shall be furnished by the ~~sheriff~~ KEEPER to
 10 ~~such~~ THE prisoners in the same manner as though they were con-
 11 fined in the county jail, except in cases where ~~such~~ THE pris-
 12 oners are employed in or for a county institution providing board
 13 for inmates, in which case all meals and food shall be furnished
 14 by ~~said~~ THAT institution. ~~:- Provided further, That the~~ THE
 15 COUNTY board of ~~supervisors shall have authority to~~
 16 COMMISSIONERS MAY provide for keeping ~~such~~ THE prisoners at
 17 places other than the county jail while they are performing
 18 ~~such~~ THE work ~~as is~~ authorized under ~~the provisions of this~~
 19 ~~act~~ SECTION 10.

20 Sec. 12. ~~No~~ A prisoner shall NOT be entitled to any com-
 21 pensation ~~either~~ from the county, township, city, or village in
 22 which he OR SHE is employed for any services performed in accord-
 23 ance with ~~the requirements of this act. It shall be the duty~~
 24 ~~of the sheriff to~~ SECTIONS 10 AND 11. THE KEEPER OF THE JAIL
 25 SHALL keep a record of the number of days worked by each prisoner
 26 and the township, city, or village in which ~~such~~ THE work was

1 performed, and report in full to the COUNTY board of
2 ~~supervisors~~ COMMISSIONERS at each regular session.

3 Sec. 25. If any person confined in any jail, upon a convic-
4 tion or charge of any criminal offense, ~~shall be~~ IS refractory
5 or disorderly, or ~~shall wilfully~~ WILLFULLY or wantonly
6 ~~destroy~~ DESTROYS or ~~injure~~ DAMAGES any article of bedding, or
7 other furniture, or a door or window, or any other part of ~~such~~
8 ~~prison~~ THE JAIL, the ~~sheriff of the county~~ KEEPER OF THE JAIL,
9 after due inquiry, may cause ~~such~~ THE person to be kept in sol-
10 itary confinement ~~—~~ FOR not more than 10 days for any 1
11 offense. ~~—; and during such solitary confinement, he shall be~~
12 ~~fed with bread and water only, unless other food shall be neces-~~
13 ~~sary for the preservation of his health.—~~

14 Sec. 27. Nothing contained in ~~the 2 preceding sections,~~
15 SECTION 25 OR 26 shall be construed to take from ~~any sheriff or~~
16 ~~jailer,~~ THE KEEPER OF A JAIL any part of the authority with
17 which ~~he~~ THE KEEPER was before invested by law ~~—~~ to preserve
18 order and enforce strict discipline among all the prisoners in
19 ~~his~~ THE KEEPER'S custody.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No. 216
22 of the 85th Legislature is enacted into law.